

Drawing Amendments

The attached sheet of drawings includes changes to FIG. 1a to correct a line omitted in the last replacement sheet, but included in the original. No new subject matter was added. This sheet, which includes FIGs. 1a-c, replaces the original sheet containing FIGs. 1a-c.

Attachment: Replacement sheet.

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the final Office Action mailed April 15, 2005. Claims 1-7, 9-11, 24, 25, and 28-41 were rejected. Applicant respectfully submits that the final Office Action failed to cite references that anticipate each and every element of the claims, and that the Office Action failed to establish a prima facie case of obviousness based on the cited prior art, as set forth below.

Claims 1-7, 9-11, 24, 25, and 28-41 remain in the application. Claims 1-27 were originally presented. Claims 8, 12-23, 26 and 27 have been canceled without prejudice.

Claim Rejections - 35 U.S.C. § 102

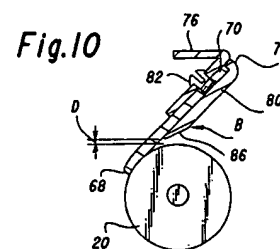
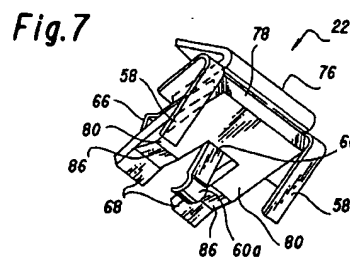
Claims 1-7, 9, 11, 24, 25 and 30-39 (including independent claims 1, 24 and 30) were rejected under 35 U.S.C. § 102(b) as being anticipated by Morikawa. Applicant respectfully traverses this rejection for the reasons identified below.

The final Office Action added the argument that the surfaces 68 and 86 in FIG. 7 of Morikawa form an indentation.

Applicant notes, however, that such an indentation (68 and 86 in FIG. 7 of Morikawa) does not have a substantially vertical surface. FIGs. 10 and 11 of Morikawa clearly show that any indentation created by surfaces 68 and 86 do not have a substantially vertical surface, but instead have surfaces oriented at an acute angle with respect to horizontal.

In contrast, independent claims 1 and 30 set forth: "an indentation ... having a substantially vertical surface."

Therefore, Morikawa fails to disclose each element of claims 1 and 30, and thus does not anticipate claims 1 and 30.



Therefore, Applicant respectfully submits that independent claims 1 and 30 are allowable, and urges the Examiner to withdraw the rejection. Dependent claims 2-7, 9, 11, and 31-39 are allowable for at least their dependence on an allowable independent claim.

Claim Rejections - 35 U.S.C. § 103

Claims 10 and 38 were rejected under 35 U.S.C. § 103 as being unpatentable over Morikawa.

Dependent claims 10 and 38 are allowable for at least their dependence on an allowable independent claim.

Therefore, Applicant respectfully submits that claims 10 and 38 are allowable, and urges the Examiner to withdraw the rejection.

Claims 28, 29, 40 and 41 were rejected under 35 U.S.C. § 103 as being unpatentable over Morikawa in view of Shikan (JP 2004269231). Applicant respectfully traverses this rejection for the reasons set forth below.

Applicant respectfully asserts that the obviousness-type rejection under the combination of these references is improper. Thus, withdrawal of this rejection is respectfully requested.

Before discussing the rejection, it is thought proper to briefly state what is required to sustain such a rejection. The issue under § 103 is whether the PTO has stated a case of *prima facie* obviousness. "The PTO has the burden under § 103 to establish a *prima facie* case of obviousness." In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). To satisfy this burden, the PTO must meet the criteria set out in M.P.E.P § 706.02(j):

... three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Moreover, the obviousness analysis must comply with the statutory scheme as explained

by the Supreme Court in Graham v. John Deere Co., 383 U.S. 1, 17 (1966), namely, consideration must be given to: (1) the scope and content of the prior art, (2) the differences between the prior art and the claimed invention, (3) the level of ordinary skill in the pertinent art, and (4) additional evidence, which may serve as indicia of non-obviousness.

With the above background in mind, the Applicant contends that the Office Action has failed to meet the burden of establishing a *prima facie* case of obviousness. Specifically, the Office Action has failed to show that the cited references teach or suggest all the elements of the claims.

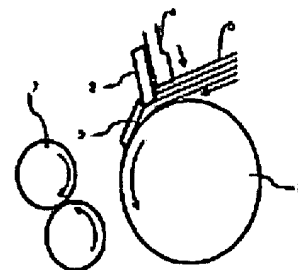
Initially, claims 28, 29 and 40 are allowable for being dependent on allowable independent claims 1 or 30. As described above, the Morikawa reference fails to teach or suggest an indentation with a substantially vertical surface, but instead teaches surfaces with acute angles. The Shikan reference does not correct this deficiency because Shikan also fails to teach or suggest an indentation with a substantially vertical surface. Therefore, Morikawa and Shikan fail to teach or suggest all the elements of the claims, namely an indentation with a substantially vertical surface. Therefore, dependent claims 28, 29 and 40 are allowable because independent claims 1 and 30 are allowable.

Similarly, independent claim 41 is allowable because Morikawa and Shikan fail to teach or suggest all of the elements of the claims, namely an indentation with a substantially vertical surface.

In addition, with respect to dependent claims 28 and 40, and independent claim 41, the final Office Action acknowledges that Morikawa fails to teach or suggest that the inclined surface is oriented at an obtuse angle with respect to the media stack. The final Office Action, however, cites Shikan for teaching a spring pick block 4 with an inclined surface that is oriented at an obtuse angle with respect to the media stack 5.

The spring pick block 4 of Shikan, however, appears to rest on top of the media stack 5. Shikan does not teach or suggest

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an inclined surface engageable with the media stack that is oriented at an oblique angle with respect to the media stack. (Applicant notes that an oblique angle is one that is greater than 90 degrees and less than 180 degrees.) The spring pick block 4 of Shikan engages the media stack with a bottom surface that is oriented at zero angle. Other surfaces of Shikan, such as 2, engage the media stack at 90 degrees, while other surfaces, such as 3, engage the media stack at an acute angle (less than 90 degrees).

Applicant notes that the Office Action fails to specify what surface of Shikan is considered obtuse, but notes that the spring pick block 4 of Shikan includes an unexplained or unreferenced step with a small upper step surface. Applicant points out that this upper step surface of Shikan is nowhere near the media stack, and is not shown as engaging the media stack. The step is not separately referenced in the drawings of Shikan, and appears to have no special or particular function. It is unclear to Applicant how to add such a step of Shikan to the Morikawa structure in any meaningful way. The spring pick blocks of Shikan and Morikawa are so different that Applicant cannot ascertain how such a combination would be achieved. In addition, Shikan appears to merely have a step with an upper surface, without any apparent function, let alone teaching, to guide one skilled in the art as to how to combine the seemingly meaningless step of Shikan with the structure of Morikawa to result in Applicant's invention as claimed. Presumably, the step of Shikan would be added to Morikawa in such a way as to result in a small step with an upper surface on top of the spring pick block, but such a surface would not be near the media stack, would not have an indentation, and would not have an indentation with a substantially vertical surface. Applicant notes that there is no special teaching in Shikan that would suggest any other placement or function other than the figures of Shikan. Such a placement would not result in an inclined surface engageable with the media stack, or having an indentation therein. Therefore, combining the cited references, Morikawa and Shikan, does not result in the applications as claimed, and/or fails to teach or suggest each and every element of the claims.

Therefore, Applicant respectfully submits that claims 28, 29, 40 and 41 are allowable.

From the above, it is also apparent that there is no meaningful motivation to combine the Shikan and Morikawa references. The Office Action states that the motivation to orient the

inclined surface of Morikawa at an obtuse angle as shown by Shikan would be to more effectively position the leading edge of the media stack. As stated above, Shikan fails to disclose any surface that engages the leading edge of the media stack at an obtuse angle. The contents of these references do not support the Office Action's proposed combination. Thus, the Office Action has not established a case of *prima facie* obviousness because the motivation for combination does not arise from the references themselves, and the Applicant respectfully requests withdrawal of these rejections.

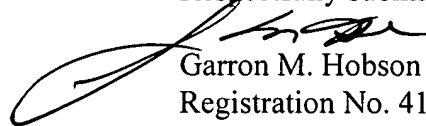
CONCLUSION

In light of the above, Applicant respectfully submits that pending claims 1-11, 24, 25, and 28-41 are in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Robert D. Wasson at (360) 212-2338 so that such matters may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 08-2025.

DATED this 1 day of June, 2005.

Respectfully submitted,



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